

CELLULAR PROPERTIES, INC.

ICC DOCKET NO. 07-0154

**SUPPLEMENTAL
SUR-REBUTTAL TESTIMONY**

OF

ED KING

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ETC APPLICATION OF CELLULAR PROPERTIES, INC.

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Q. Please state your name, your employer, your job title and your business address.

A. My name is Ed King. I am employed by the Applicant, Cellular Properties, Inc. as its Chief Financial Officer. The Company's principal place of business is 28 Towne Centre, Danville, Illinois 61832. My main business address is 1908 Acklen Avenue, Suite 300, Nashville, Tennessee, 37212.

Q. Are you the same Ed King that previously submitted pre-filed Direct Testimony in this docket on or about May 4, 2007 and pre-filed Sur-Rebuttal Testimony on or about August 9, 2007?

A. Yes.

Q. What is the purpose of your Supplemental Sur-Rebuttal Testimony in this proceeding?

A. In my Sur-Rebuttal Testimony, I indicated that the Company had encountered a problem with the implementation of the Phase II E911 because Nokia would not activate the Phase II E911 triggers in our switch without a software platform upgrade. I further stated that despite our dispute with Nokia over whether the Phase II E911 triggers were supposed to be included with our existing platform, I had authorized the purchase of the platform

24 upgrade and that it was scheduled to be delivered in late September with implementation
25 and testing to occur over a four week period following delivery. The purpose of my
26 Supplemental Sur-Rebuttal Testimony is to provide an update on the status of Phase II
27 E911 implementation and to show that Cellular Properties is in compliance with the
28 FCC's requirements with respect to Phase II E911.

29 **Q. Did the Company receive the platform upgrade software for its switch from Nokia**
30 **in late September as anticipated?**

31 A. No. It was shipped from overseas and was delayed approximately 6 weeks in Customs.

32 **Q. Has the platform upgrade software now been received from Nokia, and has its**
33 **installation in the Company's switch been completed?**

34 A. Yes, installation was completed as of November 20, 2007.

35 **Q. At that time, had the installation of all of the Phase II E911 location equipment at**
36 **the Company's cell sites that serve Richland, Vermilion, Clay, Cumberland and**
37 **Crawford Counties been completed?**

38 A. Yes.
39

40 **Q. Was the Phase II E911 service activated for customers in those counties at that time**
41 **or was testing required?**

42 A. Testing was required, so the service was not initially activated for general use. The
43 Company has worked closely with Nokia (our switch and software vendor), Andrew
44 Corporation (our location equipment provider), the PSAPs and Intrado (our 911
45 connectivity provider) during the testing phase to ensure that the service will work
46 properly when a customer dials 911.

47 Since the start of testing following the completion of the upgrade to M13, we
48 have experienced a variety of errors and the inability of the E-911 location network to
49 communicate properly with our cellular network. At some point, these issues have
50 included failures to transmit the call data records by each of the parties involved in
51 testing. Since testing began in late November, we have taken a systematic approach to
52 find and eliminate the various causes for these failures. We have been focusing our
53 testing with the Richland County PSAP because they are the county that is fully ready to
54 accept Phase II calls. On Thursday, January 3, 2008, we achieved our first successful
55 location transmittal to the Richland County PSAP. Although the calls during that test run
56 were successful, there is one remaining glitch that is being worked on to resolve. In
57 response to the Phase II call, the PSAP will initiate a “rebid” request to ask the network
58 for a location update. Currently, this “rebid” request receives an error response and the
59 PSAP has to resort to the initial location response. Andrew Corporation has requested a
60 detailed list of the changes Nokia made to our switch platform leading up to the upgrade
61 to M13. The experts at Andrew firmly believe that there must have been a parameter
62 change by Nokia during the upgrade to M13 that they have not accounted for in their
63 programming. Andrew and Nokia have worked together before on these networks and
64 have always had success. I have no doubt that this last glitch will be resolved by the end
65 of the month if not sooner.

66
67 **Q. Did the testing of Phase II E911 cause any problems with the operation and**
68 **availability of Phase I E911 service in the counties where Phase II E911 was being**
69 **implemented?**

70 A. No. Phase I E911 continued to work perfectly in those counties during the testing of
71 Phase II.

72 **Q. Has Phase II E911 been activated and is it operational for general customer use in**
73 **Richland County today?**

74 A. Yes. The service has been operational for general customer use in Richland County since
75 January 3, 2008. We are continuing to monitor and test the system to catch any
76 remaining glitches that might arise. We are aware of only the one glitch noted above, and
77 all parties involved are working hard to resolve it. The error only affects instances where
78 a 911 call is placed from a moving vehicle. The system captures and provides the PSAP
79 with the geographic location of the caller at the location from which the call was made,
80 but when the PSAP rebids for the location 15 seconds later the system is still registering
81 the call at the original location from which the call was placed or is returning an error
82 message.

83 **Q. Has Phase II E911 been activated and is it operational for general customer use in**
84 **Vermilion, Clay, Cumberland and Crawford Counties as of today?**

85 A. Yes. While we had been waiting to activate Phase II in these counties until all the
86 glitches had been resolved, I instructed our people to go ahead and turn up the service in
87 any of these counties that are ready on their end to accept Phase II calls. This request
88 was made late yesterday and we will be in touch with the county personnel and Intrado to
89 ensure they are operational in these counties as soon as the counties' schedules permit.
90 Again, we will continue to monitor and test the system to catch any remaining glitches

that might arise, and we are aware of and are working diligently to resolve the one glitch identified above.

Q. What is your understanding of the FCC's requirements for wireless carriers with respect to implementation of Phase II E911?

A. The FCC's rules for wireless 911 are located in 47 CFR Section 20.18. Under the FCC's rules, there are 2 methods for providing Phase II E911; network-based location technology and handset-based location technology. Cellular Properties elected to pursue network-based location technology. Network-based Location Technology is defined as a method of providing the location of wireless 911 callers that employs hardware and/or software in the CMRS network and/or another fixed infrastructure, and does not require the use of special location-determining hardware and/or software in the caller's portable or mobile phone.

The FCC rule (Section 20.18(f)) requires that carriers who employ network-based location technology provide Phase II 911 enhanced service to at least 50 percent of their coverage area or 50 percent of their population beginning October 1, 2001, or within 6 months of a PSAP request, whichever is later; and to 100 percent of their coverage area or 100 percent of their population within 18 months of such a request or by October 1, 2002, whichever is later. Under Section 20.18(j)(1), however, the requirements set forth in Section 20.18(f) are only applicable if the administrator of the designated PSAP has requested Phase II E911 and the PSAP is capable of receiving and utilizing the data elements associated with the service and a mechanism for recovering the PSAP's costs of the enhanced 911 service is in place. Further, Section 20.18(j)(5) provides for

modification of the deadlines for providing Phase II E911 by mutual agreement with the PSAPs.

Section 20.18(h) addresses the Phase II E911 location accuracy requirements. For carriers who employ network-based location technology, the system must provide the location of the caller within 100 meters for 67 percent of calls and within 300 meters for 95 percent of calls. For the remaining 5 percent of calls, location attempts must be made and a location estimate for each call must be provided to the appropriate PSAP.

Q. Despite the glitch identified above, is it your opinion that Cellular Properties is in compliance with the FCC's rules with respect to Phase II E911?

A. Yes. All hardware, software and other fixed infrastructure has been installed in our network and we have begun delivering Phase II E911 service. As I explained above, the FCC's rule on location accuracy requires that the system provide the location of the 911 caller within 100 meters for 67 percent of calls and within 300 meters for 95 percent of calls, but for the remaining 5 percent of 911 calls, the Rule only requires that location attempts be made and that a location estimate be provided to the appropriate PSAP. I believe that the situations where the 911 caller is not stationary will fall well within the 5% range, and therefore we are in compliance with the FCC Rules even though the last glitch identified above is still being resolved.

Q. Will the Company agree to notify the Commission Staff when all testing has been completed and when the glitch identified above has been resolved?

A. Yes.

Q. Does this conclude your Supplemental Sur-Rebuttal Testimony?

135 A. Yes.